

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

| | | |
|---------------------------------------|---|-----------------------|
| WHOLE WOMAN'S HEALTH; <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | CIVIL ACTION |
| v. |) | |
| DAVID LAKEY, M.D.; <i>et al.</i> , |) | CASE NO. 14-CV-284-LY |
| |) | |
| Defendants. |) | |

**PLAINTIFFS' COUNTER-DESIGNATIONS AND
OBJECTIONS**

Pursuant to Local Civil Rule 16(e)(6), Plaintiffs, by and through their counsel, hereby provide their counter-designations to the deposition testimony of those witnesses whose testimony is expected to be presented by the State Defendants by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) :

| Franz C. Theard, M.D. July 25, 2014 Deposition Transcript | | |
|--|--|-------------------------------|
| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 68:1-23 | | |
| 69:11-71:11 | | |
| 71:17-72:3 | | |
| 72:8-74:2 | Relevance (NM Clinic) | |
| 74:5-13 | Relevance (NM Clinic) | |
| 77:8-21 | | |
| 78:13-22 | | |
| 79:10-16 | Relevance (NM Clinic) | |
| 93:14-20 | | |
| 95:7-96:1 | 96:2-22 | |

| Franz C. Theard, M.D. July 25, 2014 Deposition Transcript | | |
|--|--|-------------------------------|
| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 96:23-97:4 | | |
| 97:7-97:16 | | |
| 98:11-99:3 | Relevance (NM Clinic) | |
| 104:12-105:13 | Relevance (NM Clinic) | |

| Marilyn Eldridge July 24, 2014 Deposition Transcript | | |
|---|--|-------------------------------|
| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 22:8-14 | Relevance (NM Clinic) 22:15-22:18 (Subject to Decision on Objection) | |
| 22:19-25 | Relevance (NM Clinic) | |
| 23:16-24:2 | | |
| 24:16-19 | Relevance (NM Clinic) 24:20 (Subject to Decision on Objection) | |
| 24:21-25 | Relevance (NM Clinic) | |
| 25:13-19 | Relevance (NM Clinic) 25:20 (Subject to Decision on Objection) 26:15-19 (Subject to Decision on Objection) 27:4-28:6 (Subject to Decision on Objection) | |
| 74:7-16 | | |
| 75:3-10 | | |
| 78:23-79:12 | 78:4-22; 80-16-81:2; 83-9-83:15 | |
| 105:20-106:3 | Hearsay | |
| 106:14-20 | Hearsay 107:4-107:16 | |

| Paul Fine, M.D. July 18, 2014 Deposition Transcript | | |
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| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 58:21-59:1 | 53:22-54:22; 59:2-5 | |
| 61:5-22 | 61:23-62:18 | |
| 76:16-22 | 75:22-76:15; 76:23-77:14 | |
| 116:16-117:4 | 117:5-118:10 | |
| 118:10-24 | 118:25-119:7 | |
| 144:6-17 | | |
| 165:18-22 | 166:10-19 | |
| 174:11-16 | 174:17-174:25 | |

| Amy Hagstrom-Miller July 20, 2014 Deposition Transcript | | |
|--|--|-------------------------------|
| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 160:6-161:2 | 161:3-161:17 | |
| 161:18-162:4 | 162:5-162:13 | |
| 161:14-20 | | |
| 164:3-5 | 162:21-164:2 | |
| 167:22-168:11 | 165:14-167:21; 168:12-21 | |
| 253:2-21 | | |

| Marina Sifuentes July 28, 2014 Deposition Transcript | | |
|---|--|-------------------------------|
| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 6:23-7:-1 | | |
| 9:16-10:7 | Relevance, Unfair Prejudice and Confidentiality (10:5-7) | |

| Marina Sifuentes July 28, 2014 Deposition Transcript | | |
|---|---|-------------------------------|
| Defendants' Designations | Plaintiffs' Counter-Designations and Objections | Defendants' Objections |
| 11:2-5 | 10:8-10:12; 10:21-11:1; 12:12-16; 34:7-37:18 (with building address redacted) | |

Dated: August 7, 2014

/S/ Stephanie Toti

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2014, the foregoing was served on all counsel of record by email.

/S/ J. Alexander Lawrence

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